

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MOLLY SPETHMANN,)	
)	
Plaintiff,)	No.
)	
-vs-)	JURY DEMANDED
)	
WILLIAM GIBSON and)	FILED: MAY 22, 2008
TIMOTHY J. KENNEDY, INC.,)	08CV2996 AEE
)	
Defendants.)	JUDGE COAR
)	MAGISTRATE JUDGE MASON

COMPLAINT

Plaintiff, MOLLY SPETHMAN, complains of Defendants, WILLIAM GIBSON and TIMOTHY J. KENNEDY, INC., and each of them, as follows:

1. Plaintiff is an individual resident of Wisconsin. The Defendants are individual and corporate residents of and do business in the State of Illinois. All parties are diverse.
2. On or about May 30, 2006, in the County of Will at 1961 Naperville-Plainfield Road, the Plaintiff was driving her car in a northbound direction on Naperville-Plainfield Road. The Defendant, WILLIAM GIBSON, crashed his truck into the back of the Plaintiff's car.
3. As a direct and proximate result, the Plaintiff was seriously injured and suffered body damage.
4. At all times relevant to this complaint, the Defendant, WILLIAM GIBSON, was driving a vehicle owned by TIMOTHY J. KENNEDY, INC., in the course and scope of his employment with TIMOTHY J. KENNEDY, INC. At all times relevant to this complaint, WILLIAM GIBSON was an agent and/or employee of TIMOTHY J. KENNEDY, INC., a trucking company.
5. At all times relevant to this complaint, Defendant, WILLIAM GIBSON, had a

duty to keep a proper lookout, follow at an assured clear distance, to reduce speed when conditions warranted, and not to collide with the rear of Plaintiff's car. Defendant, WILLIAM GIBSON, breached one or more of the foregoing duties and, as a direct and proximate result, the Plaintiff was injured.

6. TIMOTHY J. KENNEDY, INC. is *respondeat superior* liable for the negligent acts of its agent and/or employee, WILLIAM GIBSON.

WHEREFORE, Plaintiff demands a jury and prays for damages in excess of \$75,000 against both Defendants, jointly and severally, for court costs, and for any further relief deemed just and appropriate.

Respectfully submitted,

/s/ Deidre Baumann

One of Plaintiff's Attorneys

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